

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 28, 2000**

DIVISION ONE

B136494      People                      (Not for Publication)  
v.  
Nunez

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B128194      Los Angeles County, D.C.F.S.  
v.  
Callie B.

Filed order denying petition for rehearing.

B126142      Aaron & Lynda K  
v.  
Michael E.

Filed order denying petition for rehearing.

DIVISION TWO

B127701      Prysock et al.                      (Not for Publication)  
                 v.  
                 Jespersen et al.

The judgment, including the award of attorney fees and costs to the prevailing party, is reversed. The matter is remanded to the trial court for further proceedings consistent with this opinion. Each side to bear their own costs on appeal.

Cooper, J.

We concur:    Boren, P.J.  
                 Mallano, J. (Assigned)

B126657      Gallardo                                      (Not for Publication)  
                 v.  
                 Ameritrust Mortgage Company et al.

The judgment is reversed. The trial court is directed to restore Gallardo's second amended complaint to its civil active list. Rodman's request for sanctions is denied. Respondents to bear costs on appeal.

Boren, P.J.

We concur:    Cooper, J.  
                 Mallano, J. (Assigned)

B130247      Howard Jarvis Taxpayers Association      (Not for Publication)  
                 v.  
                 City of Los Angeles

The judgment is affirmed. The City is entitled to costs on appeal.

Boren, P.J.

We concur:    Cooper, J.  
                 Mallano, J. (Assigned)

## DIVISION TWO (Continued)

B121127 People v. Williams (Not for Publication)

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The orders striking the four prior serious felony conviction allegations and sentencing respondent to six years in prison are reversed. The matter is remanded to the superior court with directions to reinstate the information, to permit respondent to withdraw his plea and admission, and to thereupon proceed in conformity with the law. If respondent does not elect to withdraw his plea and admission, the superior court is directed to resentence respondent as a person who has suffered two prior serious felony convictions under the three strikes law.

Boren, P.J.

We concur: Cooper, J.  
Mallano, J. (Assigned)

## DIVISION FOUR

B121642 People (Not for Publication)  
v.  
Joudeh

The judgment is reversed and the matter remanded for retrial.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

## DIVISION FOUR (Continued)

B132560 People (Not for Publication)  
v.  
Jones

The judgment is affirmed.

Hastings, J.

We concur:   Vogel (C.S.), P.J.  
                      Epstein, J.

B130555 Aloha Pacific Inc. (Certified for Publication)  
v.  
California Insurance Guarantee Association

We hold that CIGA is not bound by the judgment in *Canadian v. Rusty's* and that Canadian's policy does not cover appellants' claims in the federal action. Accordingly, the judgment is affirmed. Respondent shall recover its costs on appeal.

Dau, J. (Assigned)

We concur:   Vogel (C.S.), P.J.  
                      Epstein, J.

## DIVISION FIVE

B132475 People  
v.  
Jose D.

Filed order denying petition for rehearing.

DIVISION FIVE (Continued)

B131587     Toyota Technical Center, U.S.A. Inc., et al.     (Not for Publication)  
              v.  
              California Air Resources Board et al.

The order of dismissal is affirmed. Defendants, the California Air Resources Board and Michael P. Kenny, are to recover their costs incurred on appeal from plaintiff, Toyota Technical Center, U.S.A., Inc. (TTC) and Toyota Motor Corporation.

Turner, P.J.

We concur:    Grignon, J.  
                      Armstrong, J.

B128936     People  
              v.  
              David Zaragoza

Filed order denying appellant's and respondent's petitions for rehearing.

B126943     People  
              v.  
              Paul John Denham

Filed order denying petition for rehearing.

B122305     James E. McTaggart et al.  
              v.  
              County of Los Angeles et al.

Filed order denying petition for rehearing.

February 28, 2000-Continued

DIVISION SIX

B127903      Lund      (Certified for Publication)  
v.  
Bally's Aerobic Plus, Inc., et al.

The judgment is affirmed. Costs to respondent.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

B130673      People      (Certified for Publication)  
v.  
Duncan

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Abbe, J. (Assigned)

## DIVISION SEVEN

B124266 People (Not for Publication)  
v.  
Rodgers

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.

## DIVISION SEVEN (Continued)

B109409      People                                  (Certified for Publication)  
v.  
Valentine

The convictions under counts 2-11, 13 and 16 are reversed and remanded to the superior court for further proceedings consistent with this opinion. The cause is further remanded to modify the judgment concerning the fine imposed in accordance with this opinion. In all other respects the judgment is affirmed.

Johnson, Acting P.J.

I concur: Neal, J.  
I dissent: Chavez, J. (Assigned) (Opinion)

B119356      Esenstein      (Not for Publication)  
v.  
Daily Journal Corporation et al.

The judgment is affirmed. Respondents are entitled to their costs incurred in connection with this appeal.

Woods, J.

We concur:   Lillie, P.J.  
                      Neal, J.